

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRECOR INCORPORATED, a Delaware
corporation; and LARRY D. MILLER, an
individual,

Plaintiffs,

v.

FITNESS QUEST, INC., a Delaware
corporation,

Defendant.

Case No. C05-0993L

ORDER ON MOTION FOR
PRELIMINARY INJUNCTION
HEARING CONTINUANCE

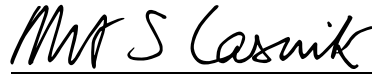
This matter comes before the Court on “Defendant Fitness Quest Inc.’s Motion for Continuance of Hearing on Plaintiff’s Motion for Preliminary Injunction” (Dkt. # 25). Fitness Quest seeks extra time, at least until mid-December, to file its response. In this extra time, Fitness Quest intends to conduct discovery, depose Precor’s declarants, consult with an expert, and confer with its attorneys. Precor responds that Fitness Quest’s request for delay is simply posturing to allow it proceed with an advertising roll-out for its most recent infringing product, the New Balance® 8.0e Elliptical Trainer. Precor argues that because Fitness Quest has filed counterclaims in this suit, it must already have conducted the requisite discovery to allow it to arrive at the conclusions set forth therein, and that, moreover, the documents that Fitness Quest

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1 identifies in its motion are irrelevant to the preliminary injunction hearing.

2 Although a significant amount of the claim construction work already has been
3 accomplished (Dkt. # 11), it is important that Fitness Quest be given an adequate amount of time
4 to prepare for the preliminary injunction hearing. Therefore, IT IS HEREBY ORDERED that
5 defendant's motion to continue the hearing date is GRANTED, and the hearing date will be
6 continued from November 18, 2005 until December 9, 2005.

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8 DATED this 10th day of November, 2005.

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12 Robert S. Lasnik
13 United States District Judge
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